

FILED

AUG 18 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY EDISON BYRD,

Petitioner,

v.

DIRECTOR OF CORRECTIONS,

Respondent.

No. C 14-02963 BLF (PR)

**ORDER GRANTING EXTENSION
OF TIME TO PAY FILING FEE OR
FILE COMPLETE *IN FORMA*
PAUPERIS APPLICATION**

On June 26, 2014, Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day, the Clerk sent Petitioner a notice that his civil action is deficient because he did not pay the filing fee or file an *In Forma Pauperis* ("IFP") Application. (Docket No. 2.) Petitioner was directed to file a response within twenty-eight days of the notice to avoid dismissal of the action. (*Id.*) On June 30, 2014, Petitioner filed a letter stating that he was sending the \$5.00 filing fee and requesting a receipt for his payment. (Docket No. 4.) However, no payment was located in the envelope, and the Court has no other proof that the filing fee has been paid. (*Id.*)

In the interest of justice, the Court will grant Petitioner an extension of time to resolve the matter of the filing fee in order to proceed with this action. Petitioner must

1 either pay the \$5.00 filing fee, or provide a copy of the receipt as proof of payment, **no**
2 **later than twenty-eight (28) days** from the date this order is filed. In the alternative,
3 Petitioner may file a complete IFP application to obtain waiver of the filing fee upon a
4 showing of indigency.

5 **Failure to file a response in accordance with this order in the time provided**
6 **will result in the dismissal of this action without further notice to Petitioner.**

7 The Clerk shall enclose two copies of the court's form IFP application with a copy
8 of this order to Petitioner.

9 **IT IS SO ORDERED.**

10
11 DATED: Aug 18, 2014


BETH LABSON FREEMAN
United States District Judge